

Abe G. Salen (SBN 182366)
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THE WOLF FIRM, A Law Corporation
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Attorneys for Defendant
THE WOLF FIRM, A Law Corporation, erroneously sued as THE WOLF LAW
FIRM, A Law Corporation

UNITED STATES DISTRICT OF CALIFORNIA
SOUTHERN DISTRICT OF CALIFORNIA

VICTORIA A. AMELINA, an
individual; and A.A.; D.S and B.S.,
each individuals and minors by and
through their Gaurdian Ad Litem,
Victoria A. Amelina

Plaintiffs,

vs.

MANUFACTURES AND TRADERS
TRUST COMPANY aka M&T BANK;
SAFEGUARD PROPERTIES, LLC.;
and THE WOLF LAW FIRM, A Law
Corporation.

Defendants.

Case No.: 14CV1906-WQH-NLS

***EX PARTE APPLICATION OF
DEFENDANT THE WOLF FIRM TO
RESCHEDULE THE ENE
CONFERENCE***

Complaint Filed: August 13, 2014
Amended Complaint : October 27, 2014
Trial Date: Not Set

Defendant THE WOLF FIRM, A Law Corporation ("Defendant" or "The
Wolf Firm") hereby files this *ex parte* application requesting the rescheduling the
Early Neutral Evaluation ("ENE") Conference. Pursuant to F.R.C.P. Rule 7(b).

Rescheduling the ENE Conference

On October 9, 2014, the Court issued a Notice and Order for ENE
Conference, and set the ENE date and time for Novemver 25, 2014, at 2:30 P.M.

1 However, lead counsel for The Wolf Firm, Abe G. Salen, is unavailable and will
2 be out of state for a pre-paid family wedding. [Declaration of Abe G. Salen, ¶ 2].

3 Plaintiffs filed their First Amended Complaint on October 27, 2014, and the
4 case is not yet at issue. No prior continuances have been requested by any of the
5 parties. Defense counsel for The Wolf Firm has discussed this request with
6 Plaintiff's counsel, Jessica R.K. Dorman, and Plaintiff's counsel does not oppose
7 to the continuance. [Declaration of Abe G. Salen, ¶ 3]. With the holidays
8 upcoming, it makes sense to continue the ENE until after the New Year.

9 The Wolf Firm therefore respectfully requests that this court reschedule the
10 ENE Conference until on or after January 7, 2015.

11
12 Dated: November 10, 2014

Respectfully submitted,

13 The Wolf Firm, a Law Corporation
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15 By: /s/ Abe G. Salen

16 Abe G. Salen, Esq. (182366)

17 Attorneys for Defendant,

18 THE WOLF FIRM, A Law Corporation
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DECLARATION OF ABE G. SALEN

I, Abe G. Salen, declare:

1. I am the lead trial attorney assigned to represent Defendant THE WOLF FIRM, A Law Corporation ("The Wolf Firm"). I am over 18 years of age and a resident of Orange County, California. I am duly licensed to practice law before all of the courts of the State of California as well as the US District Court, Southern, Northern, Eastern, and Central Districts of California . I have first hand knowledge of the matters of fact stated herein. If called as a witness, I could and would testify competently to such facts under oath.

2. Prior to this Court's issuance of the Notice and Order for Early Neutrality Evaluation ("ENE") Conference on November 25, 2014, I had a planned and pre-paid trip to attend a family wedding in New York, New York and will be out-of-state between November 21, 2014 and November 27, 2014.

3. On October 17, 2014, I communicated via email with Plaintiff's counsel requesting that the parties stipulate to continue the ENE. I communicated the request again to Plaintiff's counsel on October 27, 2014, and spoke to Plaintiff's counsel by phone. Plaintiff's counsel agreed to the stipulation.

4. On or about October 27, 2014, plaintiffs filed an Amended Complaint to which, to date, no party has responded.

5. There has been no prior requests for a continuance of the ENE.

I declare under penalty of perjury under the laws of the State of California and of the United States that the foregoing is true and correct.

Executed on November 10, 2014 in Irvine, California.

/s/ Abe G. Salen

Abe G. Salen, Esq. (182366)

CERTIFICATE OF SERVICE

I am over the age of eighteen years and not a party to nor interested in the within action. My business address is 2955 Main Street, Second Floor, Irvine, California 92614.

A true and correct copy of the foregoing document(s), entitled: ***EX PARTE APPLICATION OF DEFENDANT THE WOLF FIRM TO RESCHEDULE THE ENE CONFERENCE*** will be served or was served (a) on the judge in chambers in the form and manner required by Local Rule ("LR") 5.4.

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders, the foregoing documents will be served by the Court via NEF and hyperlink to the document. On November 11, 2014, I checked the CM/ECF docket for this matter and determined that the following persons on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated on the attached service list.
2. **SERVED BY UNITED STATES MAIL:** On November 11, 2014, I served the following persons and/or entities at the last known address in this case by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid and addressed as follows.
3. **SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state the method for each person or entity served): Pursuant to F.R.Civ. P. 5 and/or controlling local rules, on August 20, 2014, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the Judge here constitutes a declaration that personal service on overnight mail to, the judge will be completed no late than by 12:00 p.m. (Noon) the following business day. Service information continued on attached service list.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on November 11, 2014, at Irvine, CA.



Gaston Felton

SERVICE LIST

Victoria A. Amelina v. Manufactures and Traders Trust Company aka M&T Bank,
et al.

Case No. 14CV1906-WQH-NLS

I. SERVED ELECTRONICALLY VIA NEF

Jessica R.K. Dorman, Esq.
Robert L. Hyde, Esq.
Hyde & Swigart
2221 Camino Del Rio South, Suite 101
San Diego, CA 92108
Email: Jessica@westcoastlitigation.com
Email: bob@westcoastlitigation.com
[Attorneys for Plaintiff Victoria A. Amelina]

II. SERVED VIA OVERNIGHT MAIL

Honorable Judge Nita L. Stormes
United States District Court Southern District
12th Floor (Annex)
Suite 1210
333 West Broadway
San Diego, CA 92101